UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,183	11/24/2003	Robert Stanley Kolman	10030573-1	7018

7590 11/28/2006	EXAMINER
AGILENT TECHNOLOGIES, INC.	LE, TOAN M

AGILENT TECHNOLOGIES, INC.
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ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 September 2006_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The apparatus/computer-based method claims do not produce a tangible/useful result. It is unclear how the result is being stored, displayed, or used in any tangible manner. In order to overcome the rejection, claim language should be added that includes displaying, storing or used in tangible result. To view the new guidelines for 35 U.S.C. 101 please view the following OG notice.

http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 10-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al. (US Patent No. 6,622,271) and further in view of Gygi et al. (US Pub No. 2003/0235156 A1).

Referring to claim 1, Colby et al. disclose an apparatus, comprising:

computer readable media; and

program code, stored on the computer readable media (figures 1A and 1B), comprising:

code to define a user interface 72 (figure 1A) (col. 4, lines 41-48);

code to detect invalid test definition data in user input (col. 4, lines 54-67 to col. 5, lines 1-4; col. 11, lines 45-57; col. 12, lines 20-29); and

code to receive a valid data option selected through the user interface, and to update the invalid test

definition data with the valid data option (col. 11, lines 52-57).

As to claim 6, Colby et al. disclose an apparatus, wherein at least some of said user input is received

through said user interface (figures 1A and 1B).

Referring to claim 7, Colby et al. disclose an apparatus, wherein at least some of said user input is

contained in a test definition file (col. 6, lines 19-39; col. 11, lines 58-67 to col. 12, lines 1-2).

Referring to claim 11, Colby et al. disclose an apparatus, wherein the user interface comprises code to

define an input area to receive a specification for invalid test definition data that has been detected as invalid

because it lacks a specification to make it valid (col. 12, lines 20-29).

As to claim 12, Colby et al. disclose an apparatus, wherein said input area to receive a specification for

invalid test definition data is configured to receive a data type (col. 12, lines 20-29).

As to claim 14, Colby et al. disclose a computer-based method, comprising:

parsing user input to detect invalid test definition data in the user input (col. 4, lines 54-67 to col. 5, lines

1-4; col. 11, lines 45-57; col. 12, lines 20-29);

upon receiving a valid data option selected from the set of valid data options, updating the invalid test

definition data with the valid data option (col. 11, lines 55-57); and

generating circuit test data structures to control an automated circuit tester (figures 1A, 1B, 4-5).

Referring to claim 15, Colby et al. disclose a computer-based method, wherein parsing user input

comprises parsing a test definition file (col. 6, lines 19-39; col. 11, lines 58-67 to col. 12, lines 1-2).

As to claim 16, Colby et al. disclose a computer-based method, further comprising compiling the set of

valid data options based on a context of the invalid data (col. 5, lines 44-48).

As to claim 19, Colby et al. disclose a computer-based method, comprising:

parsing source code for generating circuit test data structures, to identify type name definitions and

enumeration constant definitions contained in said source code (figures 4-5; col. 10, lines 34-41);

generating a string table from said type name and enumeration constant definitions (figures 4-5; col. 10, lines 34-41); and

linking said string table to an input validation and error messaging portion of said source code to i) cause said source code to index said string table upon detection of invalid test definition data in user input (col. 10, lines 22-41).

Referring to claim 20, Colby et al. disclose a computer-based method, wherein said index into said string table comprises a context of said invalid test definition data (col. 5, lines 44-48).

Colby et al. do not teach upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data option, said prompting being undertaken through the user interface, code to compile the set of valid data options based on a context of the invalid test definition data as in claim 2 to index a table of valid data options as in claim 3, to parse the user input and log valid data options into the table as in claim 4, wherein the context comprises a data type as in claim 5, the code to configure how the set of valid data options is displayed through the user interface as in claim 10, and the set of valid data options comprises a single valid data option that is replaceable by the user as in claim 13, or cause a set of valid data options retrieved from the string table to be displayed to a user for user selection as in claim 19.

Gygi et al. disclose an apparatus, comprising :

computer readable media; and

program code, stored on the computer readable media, comprising:

code to define a user interface;

code to detect invalid test definition data in user input and, upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data option, said prompting being undertaken through the user interface, code to compile the set of valid data options based on a context of the invalid test definition data to index a table of valid data options, to parse the user input and log valid data options into the table, wherein the context comprises a data type, the code to configure how the set of valid data options is

displayed through the user interface, and the set of valid data options comprises a single valid data option that is replaceable by the user, and cause a set of valid data options retrieved from the string table to be displayed to a user for user selection ([0048], [0050], [0051], [0068], and [0069].

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have applied the teaching of Gygi et al. into the reference of Colby et al. to assist automated testing systems through standardized user interface and programming interface for performing circuit tests.

Allowable Subject Matter

Claims 8-9 and 17-18 are objected to as being dependent upon a rejected base claims 1 and 14, respectively, and 101 rejection, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for allowance of claims 8-9 and 17-18 is the inclusion of the code that prompts a user to select a valid data option causes the set of valid data options to be displayed through the user interface in alphabetical order and in order of highest likelihood of correctness.

Response to Arguments

Applicant's arguments filed 9/5/06 have been fully considered but they are not persuasive.

Regarding 101 rejection, claim 1 cites "to upgrade the invalid test definition data" means 'the updating of invalid test definition data may be undertaken by writing the valid data option back into a test definition file (user input 102) where the invalid test definition data was located, or by providing the valid data option as output 110 (which could be part of a file that is produced as the user input is analyzed, converted, etc.' (specification, paragraph [0013])

Also, in specification, paragraph [0014] cites 'For purposes of this description, the phrases "user input" and "test definition data" are intended to cover data that is manipulated, as well as the commands or instructions that cause the data to be manipulated. User input 102 may be provided in various forms, and may be provided in the form of a test definition file (or files), or in the form of individual responses.'

Nowhere in the specification discloses updating means the data is now available to the user, but rather manipulating the data.

Same argument for claim 14, nowhere in the specification discloses generating circuit test data is made available for use, rather in manipulation. For instance, paragraph [0017] cites "Although a set of valid data options could be generated 'on the fly' when invalid data is detected, it will often be preferable to compile and store valid data options in advance."

Claim 19 appears to claim displaying in the last step ii), the question is whether it is useful to cause a set of valid data options to be displayed.

Regarding 103 rejection, Gygi discloses "The definition includes types and ranges of permissible values as well as user interface information to prompt the test operator for desired values." (paragraph [0048])

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toan Le

November 22, 2006

John Barlow
Supervisory Patent Examiner
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